

# **Family Day Care Home**

## **Regulations for Certification**

RI Department of Children, Youth and Families

### **DEFINITION**

A FAMILY DAY CARE HOME means any home other than the child's home in which child day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more children who are not relatives of the care giver. These programs shall be certified by the Department for Children and Their Families in accordance with Chapter 42-721 of the General Laws of Rhode Island. Issuance of Family Day Care Home Certification is based on compliance with the regulations contained in this document and upon evidence that the home meets the appropriate state fire and health codes. Certification is valid for a period of two years. Any person or persons who operate a Family Day Care Home as defined in Chapter 42-721-2 without certification shall be referred by the Day Care Licensing Unit of the Department to the Attorney General's Office for prosecution in accordance with Chapter 42-721-7.

### **CERTIFICATION REQUIREMENTS**

#### **1. APPLICATION**

An application for certification shall be filed on the prescribed forms provided by the Day Care Licensing Office of the Department for Children and Their Families. Proposed assistants and persons to be called upon in an emergency shall also file an application with the Department for their respective child caring duties.

#### **2. MEDICAL REFERENCE**

At the time of application, the applicant and any proposed assistants shall file a statement from a licensed physician that they have had a medical examination within the past six months, are in good health, and are able to care for children.

#### **3. CRIMINAL RECORDS AND EMPLOYMENT HISTORY VERIFICATION**

The applicant and any proposed assistants shall file notarized Criminal Records and Employment History Affidavits. In addition, the applicant and assistants shall file evidence of having been fingerprinted by the State Police or local police in accordance with Chapter 40-13.2 of the General Laws of Rhode Island.

#### **4. SCREENINGS**

Upon receipt of the completed application materials, the Department will screen the applicant and all members of the applicant's household through the Attorney General's Office, Division of Criminal Identification, and through the Master File and the Child Abuse And Neglect Tracking System (CANTS) of the Department for Children and Their Families. Results of the screenings could be grounds for the denial of certification. Proposed assistants and persons identified to be called upon in an emergency will be screened through the Attorney General's Office, Division of Criminal Identification, and through the

Master File and the Child Abuse And Neglect Tracking System (CANTS) of the Department for Children and Their Families. Individuals may not be approved as assistants or emergency persons if information is obtained through the screenings showing any one of the following:

1. They have been indicated for child abuse or neglect;
2. They are the parent of a child who has been adjudicated dependent, wayward, disobedient or Ironically truant;
3. They have a documented history of chemical or alcohol abuse within the past seven years;
4. They have been convicted of, or are serving an active probationary sentence for, a criminal offense listed in the Appendix.

In the event that a proposed assistant or emergency person is denied approval, the individual will be notified in writing and will be entitled to a hearing on the matter in accordance with Department policy. Refer to PROCEDURE FOR HEARING.

## **5. FIRE AND HEALTH INSPECTIONS**

The applicant's home where the day care will be provided shall be approved by a duly authorized fire inspector as being in compliance with the applicable section of the State Fire Code and by the Health Department as being in compliance with applicable health and safety standards.

## **6. CERTIFICATION INSPECTION**

Prior to the issuance of certification, an inspection visit will be made to the applicant's home where the day care will be provided in order to determine compliance with the Regulations For Certification.

## **CERTIFICATION**

Full certification shall be issued upon successful completion of the certification process. The certification shall be valid for a period of two (2) years.

## **VOLUNTARY CERTIFICATION**

Any person intending to provide care for fewer than four (4) unrelated children for any part of a twenty-four (24) hour day may apply to the department for voluntary certification.

## **VARIANCE**

The Administrator of Licensing may allow a variance to a regulation upon the submission of a written request for such, and supporting documentation as deemed necessary, providing that the variance in no way jeopardizes the health, safety and well-being of the children in care.

## **GUIDELINES FOR THE REVOCATION OR DENIAL OF CERTIFICATION**

A certification may be denied or revoked for the following reasons:

5. The provider, assistant(s), or other permanent member of the provider's household has been indicated for child abuse or neglect.
6. Children in the care of the provider or assistant(s) have been adjudicated dependent, wayward, disobedient or chronically truant.
7. The provider or assistant(s) has a documented history of chemical or alcohol abuse within the past seven years.
8. The provider or assistant(s) fails to comply with duly promulgated family day care home regulations.
5. The provider or assistant(s) fails to cooperate with the department in determining whether regulations have been met.
6. The provider, assistant(s), or other adult member of the provider's household has been convicted of, or is serving an active probationary sentence for, a criminal offense listed in the Appendix.

## **PROCEDURE FOR HEARING**

7. The individual shall receive written notification from the Licensing Administrator of the action to be taken, and the reason for the action, ten (10) days prior to the effective date of the action.
8. The individual may request a hearing to appeal an action by submitting a written request for such to the Licensing Administrator prior to the effective date of the action.
9. A hearing shall be scheduled within ten (10) working days of the receipt of such request.
10. The Divisional Hearing Officer shall notify the individual in writing of his/her decision within five (5) working days following the conclusion of the hearing. Information shall be included on the right to appeal the Divisional decision to the Department Hearing Officer in accordance with the policy entitled COMPLAINTS AND HEARINGS (#007) of the Department for Children and Their Families.

## **PROVISIONS OF CERTIFICATION**

11. Certification is issued to a designated individual and is limited to the named location. It is not transferable.
12. No person may hold a day care certification and a foster care license simultaneously.
13. Certification entitles the Director of the Department for Children and Their Families or his designee and the Child Advocate or her designee to be given the right of entrance, the privilege to inspect, and access to all records in order to ascertain compliance with regulations and to investigate complaints.
14. The provider shall notify the Department at least thirty (30) days prior to any change of address.
15. The provider shall notify the Department immediately of any change in telephone number.

## **I. LEGAL AUTHORITY: CHAPTER 72.1 OF THE GENERAL LAWS OF RHODE ISLAND**

72.1: LICENSING AND MONITORING OF CHILD CARE PROVIDERS AND CHILD-PLACING AGENCIES

Section.

42-721-1. Statement of purpose.

42-721-2. Definition of terms.

42-721-3. Powers and scope of activities.

42-721-4. License required.

42-721-5. General licensing provisions.

42-79.1-6. Violations, suspensions and revocations of license.

42-721-7. Penalties for violations.

42-721-8. Open door policy.

42-721-1. Statement of purpose. - The director of the department for children and their families, pursuant to 42-725(8), shall establish within the department a unit to license and monitor child care providers and child-placing agencies, to protect the health, safety and well being of children temporarily separated from or being cared for away from their natural families. Services for children requiring licensure under this chapter shall include all child care providers and child placing agencies which offer services within the state, except as defined in 4272.1-5 of this chapter.

42-721-2. Definitions. - As used in this chapter:

(1) "Administrator of licensing" means the director of licensing unit (or his/her designee) which carries out the provisions of this chapter, hereafter referred to as administrator.

(2) "Applicant" means a child-placing agency or child care provider that applies for a license to operate.

(3) "Child" means any person less than eighteen (18) years of age, provided that a child over eighteen (18) years of age who is nevertheless subject to continuing jurisdiction of the family court, pursuant to chapter 1 of title 14 or defined as emotionally disturbed according to chapter 7 of title 40.1, herein shall be considered a child for purposes of this chapter.

(4) "Child care provider" means a person or agency which offers residential or nonresidential care and/or treatment for a child outside of his/her natural home.

(5) "Child-placing agency" shall mean any private or public agency which receives children for placement into independent living arrangements, supervised apartment living, residential group care facilities, family foster homes or adoptive homes.

(6) "Child day care" means daily care and/or supervision offered commercially to the public for any part of a twenty-four (24) hour day to children away from their homes.

(7) "Child day care center" means any person, firm, corporation, association or agency who, on a regular or irregular basis, receives any child under the age of sixteen (16) years, for the purpose of care and/or supervision, not in a home or

residence, apart from his parent or guardian for any part of a twenty-four (24) hour day irrespective of compensation or reward. It shall include child care programs that are offered to employees at the worksite. It does not include nursery schools or other programs of educational services subject to approval by the commissioner of education.

(8) "Family day care home" means any home other than the child's home in which child day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more children who are not relatives of the care giver.

(9) "Department" means the department for children and their families (DCF).

(10) "Director" means the director of the department for children and their families, or his/her designee.

(11) "Licensee" means any person, firm, corporation, association or agency which holds a valid license under this chapter.

(12) "Regulation" means any requirement for licensure, promulgated pursuant to this chapter having the force of law.

(13) "Related" means any of the following relationships, by marriage, blood or adoption, even following the death or divorce of a natural parent: parent, grandparent, brother, sister, aunt, uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto, a defendant who relies for a defense upon the relationship of any child to himself, said defendant shall have the burden of proof as to such relationship.

(14) "Group family day care home" means a residence occupied by a state certified individual and assisted by a minimum of one (1) state approved assistant. The provider must be at least twenty-one years old and must provide care for not less than nine (9) and not more than twelve (12) children for any part of a twenty-four (24) hour day.

#### 42-721-3. Powers and scope of activities.

(1) The department shall issue, deny and revoke licenses for, and monitor the operation of, facilities and programs by child placing agencies and child care providers, as defined in [42-72.1-2].

(2) The department shall adopt, amend, and rescind regulations in accordance with this chapter and implement its provisions. Such regulations shall be promulgated and become effective in accordance with the provisions of the administrative procedures act.

(3) The department through its licensing unit shall administer and manage the regulations pertaining to the licensing and monitoring of such agencies, and shall exercise all statutory and administrative powers necessary to carry out its functions.

- (4) The administrator shall investigate complaints of noncompliance, and shall take such licensing action as required.
- (5) Regulations formulated pursuant to the foregoing authority shall include, but need not be limited to, the following:
- (a) financial, administrative and organizational ability, and stability of the applicant;
  - (b) compliance with specific fire and safety codes and health regulations;
  - (c) character, health suitability, qualifications of child care providers;
  - (d) staff/child ratios and workload assignments of staff providing care or supervision to children;
  - (e) type and content of records or documents that must be maintained to collect and retain information for planning and caring for children;
  - (f) procedures and practices regarding basic child care and placing services to ensure protection to the child regarding the manner and appropriateness of placement;
  - (g) service to families of children in care;
  - (h) program activities, including components related to physical growth, social, emotional, educational and recreational activities, social services and habilitative or rehabilitative treatment;
  - (i) investigation of previous employment, criminal record check and department records check;
- (6) The administrator may:
- (a) prescribe such forms for reports, statements, notices and other documents as are deemed necessary;
  - (b) prepare and publish manuals and guides explaining this chapter and the regulations to facilitate compliance with and enforcement of the regulations;
  - (c) prepare reports and studies to advance the purpose of this chapter;
  - (d) provide consultation and technical assistance, as requested, to assist licensees in maintaining compliance;
  - (e) refer to the advisory council for children and families for advice and consultation on licensing matter.

#### 42-721-4. License required.

- (1) No person shall provide continuing full-time care for a child apart from his parents, or receive or place children in child care services, including day care arrangements, without a license issued pursuant to this chapter. This requirement does not apply to a person

related by blood, marriage, guardianship or adoption to the child, unless such arrangement is for purposes of day care.

(2) The licensing requirement does not apply to shelter operations for parents with children, boarding schools, recreation camps, nursing homes, hospitals, maternity residences and centers for developmentally disabled children.

(3) No person, no firm, corporation, association, or agency, other than a parent shall place, offer to place, or assist in the placement of a child in Rhode Island, for the purpose of adoption, unless such person, firm, corporation or agency shall have been licensed for such purposes by the department or is a governmental child-placing agency, and such license shall not have been rescinded at the time of placement of a child for the purpose of adoption. The above does not apply when a person, firm, corporation, association or agency places, offers to place, or assists in the placement of a child in Rhode Island, for the purpose of adoption through a child-placement agency duly licensed for child-placement in the state of Rhode Island or through the department for children and their families, nor when such child is placed with a father, sister, brother, aunt, uncle, grandparent or stepparent of the child.

(4) No parent shall assign or otherwise transfer to another not related to him/her by blood or marriage, his/her rights or duties with respect to the permanent care and custody of his/her child under eighteen (18) years of age unless duly authorized so to do by an order or decree of court.

(5) No person shall bring for the purpose of placing him/her out, or procuring his adoption, or placing him/her in a foster home without first obtaining the written consent of the director and such person shall conform to the rules of the director and comply with the provisions of the Interstate Compact on the Placement of Children.

(6) No person, firm, corporation, association or agency shall operate a family day care home without a registration certificate issued by the department

(7) No state, county, city or political subdivision shall operate a child placing or child care agency, program or facility without a license issued pursuant to this chapter.

(8) No person shall be exempt from a required license by reason of public or private, sectarian, non-sectarian, court operated child placement of child-care program, for profit or non-profit status, or by any other reason of funding, sponsorship or affiliation.

42-721-5. General licensing provisions. - The following general licensing provisions shall apply:

(1) A license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application and remains the property of the department. A license shall be publicly displayed. A license shall be valid for one (1) year from the date of issue and upon continuing compliance with the regulations, except that a certificate issued to a family day care home shall be valid for two (2) years from date of issue.

(2) A licensee shall comply with applicable state fire and health safety standards.

(3) The department may grant a provisional license to an applicant who is not able to demonstrate compliance with all of the regulations because the program or residence is not in full operation; however, said applicant must meet all regulations that can be met in the opinion of the administrator before the program is fully operational. The provisional license shall be granted for a limited period not to exceed six (6) months and shall be subject to review every three (3) months.

(4) The department may grant a probationary license to a licensee who is temporarily unable to comply with a rule or rules when the noncompliance does not present an immediate threat to the health and well-being of the children, and when the licensee has obtained a plan approved by the administrator to correct the areas of noncompliance within the probationary period. A probationary license shall be issued for up to twelve (12) months; it may be extended for an additional six (6) months at the discretion of the administrator. A probationary license that meets the conditions of probation may be issued by the administrator at any time for due cause. Any prior existing license is invalidated when a probationary license is issued. When the probationary license expires, the administrator may reinstate the original license to the end of its term, issue a new license or revoke the license.

(5) The administrator will establish criteria and procedure for granting variances as part of the regulations.

(6) The above exceptions (probationary and provisional licensing and variances) do not apply to and shall not be deemed to constitute any variance from state fire and health safety standards.

#### 42-721-6. Violations, suspensions and revocations of license.

(1) When a licensee violates the terms of the license, the provisions of this chapter, or any regulation thereunder, the department may pursue the administrative remedies herein provided, in addition to other civil or criminal remedies according to the general laws.

(2) After notice and hearing, as provided by the administrative procedures act, the administrator may revoke the license, or suspend the license for a period not exceeding six (6) months.

(3) During a suspension the agency, facility or program shall cease operation.

(4) To end a suspension, the licensee shall, within thirty (30) days of the notice of suspension submit a plan of corrective action to the administrator. Such plan shall outline the steps and timetables for immediate correction of the areas of noncompliance and is subject to approval of the administrator.

(5) At the end of the suspension, the administrator may reinstate the license for the term of the original license, revoke the license, issue a new license, or deny a reapplication.

(6) Upon revocation, the licensed agency, program or facility shall cease operation. The licensee whose license has been revoked may not apply for a similar license within a three (3) year period from the date of revocation.



42-721-7. Penalties for violations. -

(1) Any person who violates any of the provisions of this chapter, or any regulations issued pursuant to this chapter, or who shall intentionally make any false statement or reports to the director with reference to the matters contained herein, shall, upon conviction for the first offense, be imprisoned for a term not exceeding six (6) months or be fined not exceeding five hundred dollars (\$500), or both and for a second or subsequent offense, shall be imprisoned for a term not exceeding one (1) year or be fined not exceeding one thousand dollars (\$1000) or both such fine and imprisonment.

(2) Anyone who maintains or conducts such a program, agency or facility without first having obtained a license as herein provided, or who maintains or conducts such a program, agency or facility after a license has been revoked or suspended or who shall refuse to permit a reasonable inspection and examination of such program, agency or facility, as herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500) for each week that such program, agency or facility shall have been maintained without a license or for each refusal to permit inspection and examination by the director.

(3) Any individual firm, corporation or other entity who maintains or conducts a family day care home without first having obtained a registration certificate for the home as provided herein, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each week that such home shall have been maintained without a valid registration certificate.

(4) The department shall refer any such violations to the attorney general's office for prosecution.

42-721-8. Open door policy. - There shall be an open door policy permitting any custodial parent or legal guardian to have access to a day care facility for any program when their child is in attendance.

## **II. REGULATIONS FOR CERTIFICATION**

### **ONE: NUMBER OF CHILDREN IN CARE AND THEIR SUPERVISION**

1. A provider shall care for no more than six (6) children at any given time.

If a provider cares for children under the age of eighteen (18) months, there shall be no more than four (4) children under the age of six (6) years, and of these four (4) children, no more than two (2) shall be under the age of eighteen (18) months.

2. A provider who has a full-time assistant shall care for no more than eight (8) children at any given time. Of these eight (8) children, no more than four (4) shall be under the age of eighteen (18) months.

3. Children under six (6) years of age who live in the home shall be counted in determining the maximum number for certification.

More than two (2) children under twelve (12) years of age who live in the home and are present for three (3) hours or more during the period that day care is provided shall be counted in determining the maximum number for certification.

4. The provider shall be on the premises, directly supervising the children, at all times when children are in care.

If a provider has an approved assistant, the provider may be out of the home up to 20% of their total work week (20% of 40 hours = 8 hours per week), leaving the children under the direct supervision of the assistant. The provider who chooses to use this option shall comply with the adult/child ratios as stated in numbers 1 and 2 of this Standard. If necessary, the provider shall have two (2) approved assistants to meet the required ratios.

5. The provider shall have a plan for handling emergencies and shall have at least two (2) persons readily available to be called upon for child care assistance in the event of an emergency.

An emergency is defined as being an unplanned absence from the home because of an illness or accident. It is meant to be of short duration, generally lasting no more than a few hours, but shall not extend beyond three (3) consecutive working days. The names of the emergency persons shall be submitted to the Department for screening.

The provider shall notify the Department of any change in their emergency persons.

6. The provider shall inform the parents of the children in care of the names of the persons who will be called upon in an emergency, and of the name of any assistant temporarily substituting for the provider.
7. The provider shall not be engaged in any other employment while children are in his/her care.
8. The provider shall not have children in care directly following all-night employment.
9. The provider shall at no time leave a child unsupervised in a crib, infant seat, playpen, or walker.

10. Adult supervision shall be provided at all times when a child is in a bathtub or shower or is playing in or around water.

## **TWO: QUALIFICATIONS OF THE PROVIDER AND ASSISTANT(S)**

1. The provider and assistant(s) shall be at least eighteen (18) years of age.
2. The provider shall show evidence of having training and/or experience in caring for children under the age of six (6) years.

Experience in caring for young children shall be verified and may include work experience in pre-school, day care, kindergarten, elementary school, special education, or nursing settings. Parenting shall also be considered qualifying experience with the submission of documentation of at least two (2) years of successful parenting. Documentation shall consist of letters of reference from pediatricians, other health professionals, teachers or neighbors.

Training in the care of young children shall be verified by the submission of transcripts or certificates.

3. The provider shall document having completed a minimum of ten (10) hours of training and/or education relevant to the care of young children every two (2) years. This training/education may take a variety of forms including workshops, seminars, presentations, speaking programs, conferences, telecourses, first aid training, college courses, CDA training, or related reading or television programs.

During the first two (2) years of operation, the provider shall complete some form of initial family day care training which will count towards their on-going training requirements.

4. The provider, family members and assistant(s), when utilized shall be in good physical, mental and emotional health.
5. The provider and assistant(s) shall not drink alcoholic beverages or take illegal or tranquilizing drugs while children are in care, nor shall they be in an intoxicated or drugged condition while providing child care.

## **THREE: PHYSICAL SPACE AND HOME SAFETY**

1. There shall be sufficient indoor space to allow for thirty-five (35) square feet of space per child in care.

2. Children shall not be cared for in the cellar or basement area of a home unless there are two (2) exits from the area, one of which shall be a door leading directly to the outside.
3. The provider shall identify an area or areas for outdoor play which shall be safe, protected and free from hazards such as access to the street, debris, broken glass, peeling paint, tools and construction materials, open drainage ditches, wells, holes and bodies of water.

Outdoor porches above the first floor shall not be used as play areas unless they are fully enclosed and structurally sound.

Outdoor play shall be supervised by the provider or assistant(s) at all times.

4. There shall be a minimum of one toilet and one handwashing sink in the home, located in an area that is readily available to the children in care.

Training chairs may be used if emptied and sanitized after each use.  
Training chairs shall not be considered a substitute for the required toilet.

5. Toilets and training chairs shall be located in rooms separate from those used for cooking and/or eating.
6. There shall be a diaper changing area which is separate and apart from kitchen counters and dining tables.

A sink with hot and cold running water for handwashing shall be accessible to the diaper changing area. Hands shall be washed with soap and warm water before and after each diaper change.

The diaper changing area shall be cleaned and sanitized after each use. A disinfectant solution of ½ cup of bleach to 1 gallon of water shall be kept readily available in a spray bottle for this purpose.

7. There shall be hot and cold running water available for the care of the children. The home's domestic hot water system at hand washing sinks must be set no higher than 120 degrees F. If the water supply is not from a public source, it shall be tested for potability.
8. The home shall have a heating system capable of maintaining a minimum temperature of 65 degrees in all areas accessible to the children.

All heating elements, including hot water pipes and radiators in areas used by children shall be insulated, protected, or barricaded so that they will not be a danger to the children and will not be a fire hazard.

9. All electrical outlets shall be covered when not in use. Electrical cords shall be taped or fastened so that they are not a hazard to children. Electrical cords shall not be frayed or damaged.
10. All firearms shall be registered with the appropriate authorities. They shall be stored, unloaded, under lock in a place which is inaccessible to children. Ammunition shall be stored separately under lock.
11. Swimming pools shall be securely fenced off from the outdoor play area to prevent access by the children.

All pools, including wading pools, shall only be used under the supervision of the provider or assistant(s).

Written parental permission shall be obtained by the provider prior to taking a child into a pool.

12. There shall be a telephone, other than a pay phone in the home. The phone shall be kept in working order and shall be readily available for use in case of an emergency.

Emergency phone numbers, including 911 or local fire and police departments, emergency room or hospital, family physician and poison center shall be posted in a conspicuous place, adjacent to the phone.

13. The provider and assistant(s) shall have a basic knowledge of first aid and shall have readily available written instructions relating to first aid and communicable diseases.

There shall be a First Aid Kit in the home which shall be located out of reach of the children, but shall be readily accessible to the provider and assistant(s) in the event of an emergency. The First Aid Kit shall contain no less than:

- a) Two (2) 1" adhesive compresses
- b) Two (2) 2" bandage compresses
- c) One (1) 3" bandage compress
- d) One (1) 4" bandage compress
- e) One (1) 3" x 3" plain gauze pad
- f) One (1) gauze roller bandage
- g) Two (2) plain absorbent gauze - ½ sq./yd.
- h) Two (2) plain absorbent gauze - 24" x 72"
- i) Three (3) triangular bandages - 40"
- j) Scissors, tweezers and tapes
- k) No drugs or medications shall be included

14. The provider shall have an emergency plan for the evacuation of the children from the home in case of fire or other disaster. Assistants shall be knowledgeable of this plan. Practice evacuations shall take place once a month.

15. Drugs and medicines shall be stored in a clean, dry area, out of reach of children and in their original containers. Storage shall be separate from any items which attract children such as food or candy.

Cleaning materials, detergents, aerosol cans, matches and other substances which could be a danger to children shall be stored out of reach of children, in their original containers, and used in such a way that shall not contaminate play surfaces, food or food preparation areas, or generally constitute a hazard to children.

16. Food shall be properly stored and/or refrigerated. Refrigerator temperatures must be maintained at 45 degrees F or less.

17. Stairways that are used by children shall be well lighted and kept clear of obstructions. In homes where children under three (3) years of age are in care, there shall be a gate which is kept securely fastened at the entry to any stairway accessible to children.

18. Each room used by children shall have sufficient ventilation and lighting.

All doors and windows which are used for ventilation shall be securely screened.

19. There shall not be any peeling or damaged paint of plaster in any area which is accessible to children.

20. The home shall be maintained in good repair and in a clean, sanitary, hazard-free condition.

21. Dogs, cats and other pets or domestic animals maintained on the premises shall be kept in a safe and sanitary manner and according to state and local requirements.

Dogs maintained on the premises shall have up-to-date rabies vaccinations.

Children shall, according to their ages and functioning levels, be protected from animals which are potentially dangerous to their health or safety.

Animals shall not be abused or threatened in the presence of the children.

#### **FOUR: HEALTH AND NUTRITION**

1. Prior to admission, or within thirty (30) days thereafter, the provider shall obtain from each parent or guardian evidence that their child:
  - has been or is being immunized in accordance with the recommended schedule as set forth in the Immunization Guidelines of the Rhode Island Department of Health against diphtheria, tetanus, pertussis, poliomyelitis, measles (or have had natural measles), mumps and rubella;
  - or a certificate from a licensed physician stating that the child is not a fit subject for immunization for medical reasons;
  - or a certificate signed by the parent or guardian stating that such immunizations are contrary to his/her beliefs.

Acceptable evidence for having completed immunizations shall consist of a written record showing the day, month and year of each dose of vaccine administered. This record shall be signed by a physician or his/her designee (the signature of the child's parent is not acceptable). The record may be submitted to the provider by a health care provider, another day care facility or the child's parent/guardian.

2. Prior to admission, or within sixty (60) days thereafter, the provider shall obtain from each parent or guardian a statement signed by a licensed physician that the child is in good health and indicating any allergies, conditions, or handicaps affecting the child's general health which might require special care.
3. Prior to admission the provider shall obtain from the parent or guardian of each child, the name, address and telephone number of the child's physician or health care provider. Written parental permission shall be obtained to contact the physician, if necessary, regarding the health of the child.
4. The provider shall not administer any medication to a child without written parental authorization.

Prescription medication shall not be administered to a child without the written order of a physician. A labeled prescription bottle with the child's name, current date and dosage shall be considered acceptable.

Non-prescription medication shall not be administered to a child for longer than one week without the written authorization of a physician.

The provider shall maintain a written record of every medication administered. This record shall include:

Child's name

Name and dosage of medication administered

Date and time administered

5. Children exhibiting any of the following symptoms shall be excluded from the day care home until they have been assessed by their physician or health care provider:
- Diarrhea, or when there is an increase in the amount of, or change in the quality of the stool (too loose or watery), due to a confirmed infection; accompanied by evidence of dehydration or fluid loss, such as lack of wet diapers with an infant; accompanied by the presence of blood or mucous in the stools; accompanied by a history of poor fluid intake and/or marked lethargy for 2 or more days; continuing for 3-4 days.
  - Exhibiting 2 or more episodes of vomiting
  - Difficult or rapid breathing and/or hoarseness of voice.
  - Asthmatics with upper respiratory infections
  - Yellowish skin or eyes
  - Mucous, coughed up, that is foul in odor, yellow or green in color, accompanied by a high fever over 101 degrees f.
  - Severe coughing
  - Undiagnosed rash
  - Sore throat, evidence of ear infection and fever over 101 degrees F.
  - Contagious diseases such as chicken pox, measles, impetigo, conjunctivitis and tuberculosis.

Documentation of the health assessment shall be maintained on file in the child's record. A note signed by the child's parent or guardian which includes the date, time, results of the assessment and name of the health care provider consulted shall be considered acceptable documentation. The provider shall not re-admit a child who has been placed on an antibiotic until the child has been on the medication for at least 24 hours. The decision to care for a child who is ill or to re-admit an ill child shall be made by the provider after evaluating the child's history, symptoms and general condition.

6. When a child with a handicapping condition or special needs is accepted for care, the provider shall obtain from the parent or guardian written recommendations for any specialized care that the child may require. These recommendations shall come from or be endorsed by the child's physician or other authorized professional who has evaluated or treated the child.



Child care provided to children with special needs shall be in accordance with the child's Individualized Educational Plan (IEP) or the Individualized Family Service Plan (IFSP).

7. The provider shall notify all parents whenever a reportable communicable disease has been introduced into the home. Questions about such diseases shall be directed to the Division of Disease Control, R.I. Department of Health.
8. The provider shall notify the parent or guardian immediately when a child becomes ill while in care.

The provider shall furnish special care for an ill child, including comfortable resting space in a quiet area away from other children, but within easy calling distance of the provider.

9. The provider shall have on file for each child in care an Emergency Treatment form signed by the parent or guardian. This form shall only be used in the event of an emergency when the parent cannot be reached.
10. The provider shall serve nutritional mid-morning and mid-afternoon snacks to the children in care.

Nutritional meals, in addition to snacks, shall be served to children in care over meal times.

11. The provider shall have drinking water readily available to the children during the time that they are in care.

#### **FIVE: ACTIVITIES, MATERIALS AND EQUIPMENT**

1. The provider shall spend a substantial portion of each day directly involved in activities that center around the developmental needs, interests and strengths of the children in care. The focus shall be toward child-centered, child-directed and provider supported play activities.
2. The learning environment in the home shall be designed to provide the children with opportunities to learn through active exploring, interacting with other children and adults, and with the materials provided.
3. The daily routine shall include all of the following:
  - Active and quiet play
  - Indoor and outdoor play as weather permits
  - Health routines such as toileting, handwashing, toothbrushing, resting or sleeping and eating

4. The provider shall have available a variety of equipment and materials which are appropriate to the age and developmental level of the children served for indoor and outdoor play.

All equipment and materials shall be free from hazards such as lead paint, protruding nails or rust which may be dangerous to children and shall be kept clean and in good repair.

Infants and toddlers shall be protected from objects which could be swallowed.

Toys that explode or shoot, such as caps, guns and darts shall not be allowed

Balloons shall only be allowed for special occasions such as birthdays and their use shall be under close adult supervision.

All outdoor sandboxes shall be kept covered when not in use.

All equipment used for child care which is covered by federal regulations shall meet such regulations.

5. The provider shall give consistent and timely attention to the physical and nutritional needs of the children. This shall include attention to diapering, washing, the use of weather-appropriate clothing and the supervision of nutritional food and drink.

#### **SIX: DISCIPLINE**

1. The provider shall be a positive role model for the children in care.

The provider shall use positive methods in guiding children back on task, shall encourage appropriate behavior and set clear limits and rules that children can understand.

The provider shall match his/her expectations with the children's developing abilities and capabilities.

The provider shall praise the children's accomplishments as well as their attempts at tasks.

The provider shall use positive, firm limit setting in situations where a child's safety is at stake.

The provider shall assist children by redirecting them from inappropriate actions to activities that are more favorable.

2. The provider and assistant(s) shall not hit the children or engage in any form of corporal punishment.

Children shall not be subjected to cruel or severe punishment, humiliation or verbal abuse.

Children shall not be deprived of meals or snacks as a form of discipline.

Children shall not be punished for soiling, wetting or not using the toilet.

3. The provider and/or assistant(s) shall report any cases, or suspected cases, of child abuse and/or neglect to the Department for Children, Youth and their Families (1-800-RI-CHILD) in accordance with state law.

#### **SEVEN: ADMINISTRATION**

1. Prior to the admission of a child, the provider shall obtain in writing from the parent or guardian the following information:
  - the child's full name, address and verified date of birth
  - the name, address and phone number of the parent or guardian
  - the address and phone number where the parent or guardian can be reached during the hours that the child is in care
  - the names, addresses and phone numbers of two relatives or friends who can be contacted in an emergency if the parent or guardian cannot be reached
  - permission for the provider to act in an emergency (Refer to, **FOUR: HEALTH AND NUTRITION**, No. 9, page 20)
  - the names and addresses of all persons who are authorized to take the child from the day care home, including any pertinent custody information
  - the child's eating and sleeping habits, food preferences, allergies and any special medical or emotional problems.
  - the name, address and phone number of the child's physician or health care provider and permission to contact said physician or health care provider (Refer to, **FOUR: HEALTH AND NUTRITION**, No. 3, page 18)
  - the name of any health insurance plan and policy number under which the child is covered.

2. The provider shall obtain written permission from the parent or guardian to take the child off the premises of the day care home. Such permission shall be obtained prior to the activity.
3. Transportation of the children by the provider and/or the assistant(s), including requirements for child restraint systems, shall follow the state laws and regulations of the RI Department of Transportation, Registry of Motor Vehicles and be covered by liability insurance.

Children shall not be left unattended in a vehicle

Station wagon tailgates and rear windows shall be kept closed at all times when children are being transported.

4. The provider shall not release a child to any parent, guardian, or other person who appears to be under the influence of alcohol or drugs when that person is going to be transporting the child.
5. The provider shall maintain a file for each child in care. The file shall contain all information gathered on the child, including medical forms, emergency treatment forms, parental agreement and permission forms, etc. Files for all children in care shall be kept together in a place where they are readily accessible.
6. All information about a child in care shall be kept confidential and shall not be released to any person without the written permission of the parent or guardian.
7. The provider shall keep a written record of accidents and illnesses that occur while the children are in care.

The provider shall notify the parent or guardian immediately in the event of an accident or other emergency requiring the child to have medical attention.

The provider shall notify the parent or guardian of any accidents occurring while the child is in care. Notification shall be given on the same day that the accident occurs.

8. The provider shall post the Family Day Care Certification in a prominent place in the home where it is visible to parents.

The provider shall make Regulations for Family Day Care Homes available to prospective parents and the parents of the children in care.

9. The provider shall allow Department representatives and the Child Advocate and/or designee entrance into the home at any time that child care is being provided. The Department representative and the Child Advocate and/or her designee shall be allowed to inspect the home to determine compliance with the Regulations and shall be allowed access to all records kept by the provider related to compliance with the Regulations for Certification.
10. The provider shall not discriminate in providing child care on the basis of race, religion, cultural heritage, sex, handicap or marital status of the parent.
11. The provider shall not advertise as a day care center, nursery school, pre-school, or group day care home.